



National Labor Relations Board

Weekly Summary of NLRB Cases

Division of Information

Washington, D.C. 20570

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March 20, 2009

W-3200

CASES SUMMARIZED
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Regional Office

([R-2683](#)): Robert Chester Named Regional Director of NLRB's Pittsburgh, PA
Regional Office

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McElroy Coal Co. (6-CA-35806; 353 NLRB No. 108) Glen Easton, WV March 9, 2009. The Board adopted the administrative law judge's finding that the Respondent violated Section 8(a)(1) of the Act when it restricted employees by threatening them with having their vehicles towed from its parking lot. Employee Clifford White parked his truck with "We don't want scabs" signs in the company parking lot on 3 consecutive work days starting Sept. 27, 2007. On the third day, the Respondent's human resources supervisor directed White to remove the signs from his truck, and he threatened to have the truck towed at White's expense if the signs remained posted. [\[HTML\]](#) [\[PDF\]](#)

Based on the credited evidence, the judge found that White had engaged in protected activity in that his sign posting and the Union's pending subcontracting complaints were part of a coordinated effort by the Union to protest the Respondent's subcontracting of perceived bargaining unit work. The judge also rejected the Respondent's argument that White's use of "scabs" was improper. Recognizing that "scabs" may be used in different labor dispute contexts and given the circumstances presented in this case, the judge found that White had acted in good faith when he applied this term to the subcontracting at issue at the time.

(Chairman Liebman and Member Schaumber participated.)

Charge filed by Mine Workers Local 638; complaint alleged violation of Section 8(a)(1). Hearing at Pittsburgh on Oct. 15, 2008. Adm. Law Judge Eric M. Fine issued his decision Nov. 21, 2008.

Saigon Gourmet Restaurant, Inc. and Saigon Spice, Inc., a Single Employer d/b/a Saigon Grill Restaurant (2-CA-38252; 353 NLRB No. 110) New York, NY March 9, 2009. The Board affirmed the administrative law judge's findings that Saigon Gourmet Restaurant, Inc. and Saigon Spice, Inc. constitute a single employer. The Board also affirmed the judge's findings that the Respondent violated Section 8(a)(1) of the Act by discharging its delivery employees because they engaged in the protected activity of concertedly taking steps toward asserting wage and hour claims against the Respondent, and by videotaping the discharged employees' subsequent protected picketing. The Board reversed the judge's decision and found that the Respondent further violated Section 8(a)(1) by promising the delivery employees benefits conditioned on cessation of their protected concerted activity. The Board remanded allegations that the Respondent violated Section 8(a)(1) by threatening and interrogating employees because the testimony concerning those allegations was in conflict and the judge did not make needed credibility determinations. [\[HTML\]](#) [\[PDF\]](#)

(Chairman Liebman and Member Schaumber participated.)

Charge filed by 318 Restaurant Workers Union; complaint alleged violation of Section 8(a)(1). Hearing at New York, Dec. 3, 5-6, 2007. Adm. Law Judge Raymond P. Green issued his decision Feb. 14, 2008.

LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

Hearn Construction (Carpenters Local 180) Fairfield, CA March 10, 2009. 20-CA-33534; JD(SF)-04-09, Judge Mary Miller Cracraft.

East Buffet and Restaurant, Inc. (318 Restaurant Workers Union) Huntington Station, NY March 13, 2009. 29-CA-28302, et al.; JD(NY)-10-09, Judge Howard Edelman.

Rising Development BPS, LLC (LIFE Local 890) Bronx, NY March 13, 2009. 2-CA-38651; JD(NY)-09-09, Judge Steven Fish.

**LIST OF UNPUBLISHED BOARD DECISIONS AND ORDERS
IN REPRESENTATION CASES**

*(In the following cases, the Board considered exceptions to
Reports of Regional Directors or Hearing Officers)*

**DECISION AND ORDER REMANDING
[case to Regional Director for further appropriate action]**

Calumet River Fleeting, Inc., Chicago, IL, 13-RC-21794, March 9, 2009
(Chairman Liebman and Member Schaumber)

*(In the following cases, the Board adopted Reports of
Regional Directors or Hearing Officers in the absence of exceptions)*

**DECISION AND ORDER REMANDING
[proceeding to Regional Director for further appropriate action]**

Treasure Bay Vi d/b/a Divi Carina Bay Casino, Christiansted St. Croix, USVI, 24-RD-522,
March 10, 2009

**DECISION AND ORDER [remanding proceeding
to Regional Director for further appropriate action]**

Smarte Carte, Inc., Jamaica, NY, 29-RC-11675, March 10, 2009

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

Paul's Custom Woodworks, Inc., d/b/a New York Custom Woodworks, Mount Vernon, NY, 02-RC-23292, March 11, 2009

***(In the following cases, the Board denied requests for review
of Decisions and Directions of Elections (D&DE) and
Decisions and Orders (D&O) of Regional Directors)***

Robinson Aviation (RVA), Inc., Tyler, TX, 16-RC-10870, March 9, 2009
(Chairman Liebman and Member Schaumber)

Sabo, Inc., d/b/a Hoodview Vending Co., Tualatin, OR, 36-RC-6454, March 10, 2009
(Chairman Liebman and Member Schaumber) [also denying Employer's motion
to stay]
